



CITY OF  
TUCSON

DEPARTMENT OF  
URBAN  
PLANNING &  
DESIGN

May 22, 2008

To: Subscriber to the Tucson *Land Use Code (LUC)*

**SUBJECT: SUPPLEMENT NO. 43 TO THE LAND USE CODE (LUC)**

Dear Subscriber:

Enclosed is Supplement No. 43 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance No. 10503 Planned Community Development (PCD) District, adopted by the Mayor and Council on February 26, 2008. In addition, some minor formatting errors have been corrected.

Please recycle and replace pages in your *LUC* as follows.

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Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 791-4505.

Sincerely,

Norma Stevens  
Secretary

Enclosures:      Summary of Amendment  
                         Supplement No. 43

**TUCSON *LAND USE CODE (LUC)* - SUPPLEMENT NO. 43**

**SUMMARY OF AMENDMENT**

**ORDINANCE NO. 10503**

**ORDINANCE NO. 10503 (*Adopted on February 26, 2008*)**

The adopted LUC amendment includes the following:

AMENDING CERTAIN PORTIONS OF THE TUCSON CODE, CHAPTER 23, LAND USE CODE, ARTICLE II, ZONES, DIVISION 6, MIXED USE ZONES, BY ADDING A NEW SECTION 2.6.5; PLANNED COMMUNITY DEVELOPMENT (PCD) DISTRICT; AMENDING ARTICLE V, ADMINISTRATION, DIVISION 4, PROCEDURE.

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**DIVISION 6. MIXED USE ZONES**

**SECTIONS:**

- 2.6.1 "OCR-1" OFFICE/COMMERCIAL/RESIDENTIAL ZONE**
  - 2.6.2 "OCR-2" OFFICE/COMMERCIAL/RESIDENTIAL ZONE**
  - 2.6.3 PLANNED AREA DEVELOPMENT (PAD) ZONE**
  - 2.6.4 "MU" MULTIPLE USE ZONE**
  - 2.6.5 PLANNED COMMUNITY DEVELOPMENT (PCD) DISTRICT**
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**2.6.1 "OCR-1" OFFICE/COMMERCIAL/RESIDENTIAL ZONE.**

2.6.1.1 Purpose. The purpose of this zone is to provide for high-rise development, that serves the community and region, located in major activity centers or at transit centers. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

2.6.1.2 Permitted Land Uses. The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria listed for the Development Designator indicated and to any additional conditions listed for each use. The number or letter in quotation marks following the Land Use Class refers to the Development Designator provisions of Sec. [3.2.3](#).

A. Commercial Services Use Group, Sec. [6.3.5](#)

1. Administrative and Professional Office "[35](#)"
2. Alcoholic Beverage Service "[35](#)", subject to: Sec. [3.5.4.19.C](#)
3. Communications "[35](#)", subject to: Sec. [3.5.4.20.B](#), .C, and .D.1 or .D.2 (Ord. No. 8813, §1, 3/3/97)
4. Day Care "[35](#)"
5. Entertainment "[35](#)", subject to: Sec. [3.5.4.4.A](#), .B, .C, and .D and Sec. [3.5.4.19.C](#)
6. Financial Service "[35](#)" subject to: Sec. [3.5.4.5.C](#) (Ord. No. 10252, §1, 2/28/06)
7. Food Service "[35](#)", subject to: Sec. [3.5.4.6.C](#)
8. Medical Service - Extended Health Care "[35](#)" (Ord. No. 9138, §1, 10/5/98)
9. Medical Service - Major "[35](#)" (Ord. No. 9138, §1, 10/5/98)
10. Medical Service - Outpatient "[35](#)", subject to: Sec. [3.5.4.8.B](#) (Ord. No. 9138, §1, 10/5/98)
11. Parking "[35](#)"
12. Personal Service "[35](#)"
13. Technical Service "[35](#)"
14. Transportation Service, Land Carrier, "[35](#)"

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15. Travelers' Accommodation, Lodging, "[35](#)"

(Ord. No. 9138, §1, 10/5/98)

B. Retail Trade Use Group, Sec. [6.3.10](#)

1. Food and Beverage Sales "[35](#)"
2. General Merchandise Sales "[35](#)", subject to: Sec. [3.5.9.2.A](#)
3. Vehicle Rental and Sales "[35](#)", subject to: Sec. [3.5.9.5.A](#) and .B (Ord. No. 8653, §1, 2/26/96)

C. Civic Use Group, Sec. [6.3.4](#)

1. Civic Assembly "[35](#)"
2. Correctional Use: Supervision Facility "[8](#)", subject to: Sec. [3.5.3.4.B.1](#), .3.a, .4.b, .5.a, .8, and .10
3. Cultural Use "[35](#)"
4. Educational Use: Elementary and Secondary Schools "[35](#)", subject to: Sec. [3.5.3.7](#) (Ord. No. 9075, §1, 6/15/98)
5. Educational Use: Postsecondary Institution and Instructional School "[35](#)" (Ord. No. 9075, §1, 6/15/98)
6. Membership Organization "[35](#)"
7. Postal Service "[35](#)"
8. Protective Service "[35](#)"
9. Religious Use "[35](#)"

(Ord. No. 9075, §1, 6/15/98)

D. Recreation Use Group, Sec. [6.3.7](#)

1. Recreation "[35](#)"

E. Residential Use Group, Sec. [6.3.8](#)

1. Family Dwelling "W"
2. Group Dwelling "[35](#)"
3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service "[35](#)", subject to: Sec. [3.5.7.8.C.4](#) and .D
4. Residential Care Services: Rehabilitation Service - children's facilities "[35](#)", subject to: Sec. [3.5.7.8.A](#), .C.1, and .D

2. Construction/Heavy Equipment Wholesaling "[29](#)", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)
3. Food and Beverage Wholesaling "[29](#)", subject to: Approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53 (Ord. No. 9967, §2, 7/1/04)

2.6.4.4 Secondary Land Uses. The following Land Use Classes are permitted within this zone as Secondary Land Uses, subject to the requirements of Sec. [3.2.4](#) and to any additional requirements listed with the use. (Ord. No. 8653, §1, 2/26/96)

A. Home Occupations are permitted as Secondary Land Uses to Family Dwelling.

1. Home Occupation: General Application, subject to: Sec. [3.5.7.2](#)

B. The following are permitted as Secondary Land Uses to Religious Use.

1. Civic Use Group, Sec. [6.3.4](#)
  - a. Cemetery, subject to: Sec. [3.5.3.1.D](#)
2. Industrial Use Group, Sec. [6.3.6](#)
  - a. Salvaging and Recycling, subject to: Sec. [3.5.5.6.A](#) and .C (Ord. No. 9915, §5, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

C. Hazardous Material Storage is permitted as a Secondary Land Use to a Permitted Land Use, subject to: Sec. [3.5.10.2.A](#) and .B.1.

D. The following is permitted as a Secondary Land Use to all uses in the Commercial Services and Retail Trade Use Groups and to Educational Use.

1. Industrial Use Group, Sec. [6.3.6](#)
  - a. Salvaging and Recycling, subject to: Sec. [3.5.5.6.A](#) and .C (Ord. No. 9915, §5, 11/24/03)

(Ord. No. 8653, §1, 2/26/96)

E. The following is permitted as a Secondary Land Use to Alcoholic Beverage Service.

1. Industrial Use Group, Sec. [6.3.6](#)
  - a. Perishable Goods Manufacturing, subject to: Sec. [3.5.5.2.F](#), .G, and .H

(Ord. No. 8653, §1, 2/26/96)

2.6.4.5 Accessory Land Uses. Land uses accessory to the Permitted or Secondary Land Uses are allowed, subject to compliance with Sec. [3.2.5](#)

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**2.6.5 PLANNED COMMUNITY DEVELOPMENT (PCD) DISTRICT**

2.6.5.1 Purpose.

- A. Accommodate large-scaled, unified planned developments which conform to the best practices, policies and programs within the City's *General Plan*, applicable specific plans and other sustainability and conservation programs.
- B. Provide an alternative zoning district and development process to accommodate large master-planned developments that allow development flexibility not otherwise attainable under conventional zoning districts and allow for adjustments to changing community and market conditions.
- C. Provide a framework to promote sustainable land use patterns and mobility options while being responsive and sensitive to the natural features and topography of the desert environment.
- D. Provide within such developments a variety of housing, including affordable housing and combination of land uses with sound site planning principles and development techniques.
- E. Promote the timely planning, funding and development of public facilities designed to serve the projected population.

2.6.5.2 General Provisions.

- A. Conformance with the *General Plan*. Each PCD District must be in compliance with the *General Plan* and applicable specific plans.
  - 1. Specific Plans. The PCD District shall be available only in areas where there is an existing specific plan. In areas where there is no existing specific plan, an applicant may submit an application for a PCD District so long as an application for a specific plan, consistent with the application for the PCD District, has already been submitted pursuant to Sec. [5.4.2](#). of the *Land Use Code (LUC)*. The application for the PCD District may be processed concurrently with the application for the specific plan, but the PCD District may not be adopted until after the adoption of a specific plan.
  - 2. Specific Plan Amendment. In the event that adoption of the proposed PCD District requires amendment of a specific plan for the property, the applicant shall submit an application for such amendment pursuant to *LUC* Sec. [5.4.2](#). which may be processed concurrently with the application for a PCD District.
- B. Ownership of PCD District. Upon application for and approval of the PCD District, the site of the PCD District, with the exception of public rights-of-way shall be under single ownership or control of a single entity with legal authority to conduct the application process on behalf of all the landowners.

Minimum PCD District Area

- 1. The PCD District shall be the minimum size as may be required in the applicable *General Plan*, specific plan, or a minimum of five hundred (500) contiguous acres, whichever is greater.
- 2. Public rights-of-way located within the interior of a PCD may be included in calculating the minimum five hundred (500) acres.



3. A PCD District may include areas that contain existing development.
  4. The Mayor and Council may authorize the initiation of a PCD District less than the size required by this Section if the size of the proposed PCD District is consistent with the intent of the applicable *General Plan* or specific plan.
- C. Major Streets and Routes Plan Amendment. The Major Streets and Routes Plan map may be amended to add, delete, or modify a roadway within a PCD District concurrently through the approval process for the PCD District.

2.6.5.3 Establishment of the PCD District. A PCD District is established through a Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#) of the *LUC* except that the notification area shall be 2,640 feet (one-half mile) from the boundary of the proposed PCD and registered neighborhood associations within two (2) miles

- A. PCD Districts are identified on the City Zoning Maps by the letters "PCD" followed by a number and the name of the District, such as "PCD-1, XYZ Planned Community Development (PCD) District," signifying the set of regulations adopted and applicable to that District. The list shall be administratively updated upon the adoption of each new PCD District.
- B. Within a PCD District, development shall be divided into Development Areas (DA). DAs will establish the permitted density and intensity of land uses within the PCD. The land uses permitted in the DA shall be applied as stated in the implementation plan.
- C. Within a DA, one or more zoning districts may be established and contain one or more land uses listed in the Project Development Regulations and Design Guidelines as provided in Section [2.6.5.5.B](#).

2.6.5.4 Development Regulations. A PCD District provides for the establishment of development areas and zoning districts with distinct regulations within the boundary of the PCD District as adopted by the Mayor and Council.

- A. A PCD District may incorporate land use classifications and regulations from the *Land Use Code (LUC)*, the Development Compliance Code, Chapter 23A of the Tucson Code, the Development Standards and other City development ordinances and standards with modifications as necessary to provide for a master planned community. The regulations shall be consistent with policies in the *General Plan* and applicable specific plan.
- B. A PCD District may include regulations that are different from the regulations in the *LUC*, the Development Compliance Code, Chapter 23A of the Tucson Code or the Development Standards that may apply in, but are not limited to permitted, special exception, secondary and accessory land uses; building heights; lot coverage and lot size; cluster development; building and perimeter setbacks; parking and loading; landscaping and other development criteria. The PCD District may not change or alter the provisions for impact fees in Article III, Impact Fees of the Development Compliance Code, Chapter 23A of the Tucson Code.
- C. Where a provision in a PCD District varies from the *LUC*, the Development Compliance Code, Chapter 23A of the Tucson Code or the Development Standards, the provisions in the PCD District shall govern. Where regulations in a PCD District are silent or do not address an issue, the applicable codes and ordinances shall govern. Amendments to the *LUC*, the Development Compliance Code, Chapter 23A of the Tucson Code or the Development Standards enacted subsequent to the adoption of the PCD District shall apply to the PCD District. If an amendment adopted subsequent to the PCD District conflicts with an express provision of the PCD District, the PCD District shall govern unless the adopting ordinance states that it supersedes the PCD District.

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2.6.5.5 Application Procedures. The PCD application shall be in the form approved by the Urban Planning and Design Director and shall include the following elements in the form of either text, map(s), diagrams, charts/tables, photographs, or a combination of all elements as appropriate:

A. The Development Inventory Report (DIR). The DIR shall describe and provide information regarding the existing conditions, characteristics, infrastructure, and natural resources of the property within the proposed PCD District that will be used as supporting data for recommended actions and proposals to be included in the Master Development Plan (MDP). To the extent that the information and plans of the DIR and MDP listed below are redundant to any submittal requirements for the Zoning Examiner's Legislative Procedure, Section [5.4.1](#) and [5.4.3](#), the DIR and MDP shall be deemed to satisfy the submittal requirements. This information shall include the following:

1. Contact listing of key project team representatives including the contact, owner, and developer.
2. A vicinity map drawn to a suitable scale showing the existing land use, zoning, major streets and routes plan map, other applicable City plans, and general condition of the land within the proposed PCD District boundary and adjacent lands located within a one-half mile radius of the PCD District boundary.
3. Legal description, of the PCD District boundary stamped by a registered land surveyor.
4. Existing conditions in the form of scaled maps, text, diagrams, graphics, tables, pictures, analysis reports, letters from appropriate agencies, composite maps, as requested by the Department of Urban Planning and Design. The background information shall include the total gross property acreage, current principal land uses, a delineation of major physical constraints or opportunities, major environmental features, topography, existing roads, trails, utilities, and 100-year floodways and mapped storm water drainage conditions.

B. The Master Development Plan (MDP). The MDP shall include a land use plan, a resource and infrastructure plan, a development agreement, if applicable, and a phasing plan to be conducted in the PCD District. The MDP shall be in compliance with the purpose statement of the PCD District as set forth in Section [2.6.5.1](#).

1. The Land Use Plan shall contain the following:

a. General information comprised of :

- i. A statement by the applicant describing the overall rationale for the proposal in the subject area.
- ii. An explanation in the application describing how the PCD District complies with the policies of the applicable *General Plan*, specific plan , area plan or neighborhood plan.
- iii. A parcel matrix or other summary table format of the proposed contents of the DAs and DA zoning districts(s), showing the approximate size in acres of land uses including residential, nonresidential, mixed use, job/employment centers, functional open space, natural undisturbed open space, and natural open space. The matrix will show: the minimum and maximum acreage of functional open space, natural undisturbed open space, natural open space and total open space; the minimum and maximum number of potential dwelling units, and the proposed minimum and maximum square footage and approximate floor area ratios for nonresidential and

both counts for mixed uses. In addition, the matrix will show the approximate number of miles of roads and trails. The anticipated rate of development will also be provided in narrative or graphic form.

- iv. Citywide policy compliance. To the extent there are policies in effect in the City, this report must address compliance with the following: energy efficiency, water conservation, an affordable housing strategy, mass transit, alternate transportation modes, transportation levels of service, water harvesting, and related policies as applicable to development within the City.
- b. Land Use Map. The PCD District land use map shall be divided into DAs and any zoning districts within DAs as applicable. The map shall be drawn to a scale suitable to the Department of Urban Planning and Design and include at least the following:
  - i. The boundary for the proposed PCD District.
  - ii. The general location of all proposed major and minor arterial streets, including any proposed connections to major streets identified on the Tucson Major Streets and Routes Map.
  - iii. Major drainage elements.
  - iv. The proposed locations of educational facilities, public parks (ten acres or greater in size or as requested) and regional natural open space areas.
  - v. The proposed locations of public trails and/or bikeways, including any proposed connections to conceptual trail locations identified in the Eastern Pima County Trails Master Plan and related City plans.
- c. The Development Regulations shall establish requirements as applicable for the PCD District. These requirements shall be in compliance with Section [2.6.5.3](#) and Section [2.6.5.4](#) and shall at a minimum contain:
  - i. Development Regulations. The PCD District shall provide development regulations comparable to those in Article III of the *LUC*, including but not limited to landscaping, streetscapes, block patterns, lot clustering, screening, pedestrian connections, street design and connectivity, parking, environmental, natural resource and cultural conservation areas, scenic corridors, private recreation areas, housing types, minimum and maximum density ranges and commercial, civic, and industrial square footage standards, and any other areas that are appropriate.
  - ii. Dimensional Regulations. The standards shall address, as applicable, permitted heights, setbacks, lot coverage, floor area ratios, perimeter yards, population ratios, acceptable pedestrian distances, facility service radius distances, and related topics.
  - iii. Cross-Sections. The regulations shall address design criteria for roads, sidewalks and trails.
- d. The Development Guidelines shall contain the following:

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- i. Urban design strategies and specific techniques to enhance the land use compatibility and physical design of all components of a master planned community and interface with adjacent existing development.
  - ii. Design guidelines that address building orientation, residential product diversity, and architectural, character, variety and materials.
2. The Resource and Infrastructure Plan shall include individual plans with maps, programs, and requirements for a systematic implementation of the PCD. The Plan shall elaborate the various conceptual plans based on the information and details in the DIR.
  - a. Master Drainage and Hydrology Plan, prepared by an Arizona registered engineer based on publicly available data, including the following:
    - i. Existing washes and/or drainageways that shall be preserved as natural open space.
    - ii. Proposed manmade channels or wash realignment.
    - iii. Proposed flood control facilities, such as stormwater detention dams and basins.
    - iv. A basin-wide analysis of the cumulative affect of upstream and downstream impacts on basins in the watershed, detention and retention facilities and existing and proposed rates of on-site and off-site flows shall be provided. Pima County Flood Control District shall be included in all reviews.
  - b. Master Water and Sewer System Plan prepared by an Arizona registered engineer based on publicly available data with analysis of sewer capacity by Pima County Wastewater.
  - c. Traffic Impact Analysis Engineering Plan prepared by an Arizona registered engineer recommending logical connections and extensions based on publicly available data as is practicable including mass transit, multi-modal levels of service, and any other pertinent data as required by the authorizing agency.
  - d. Public Facilities Plan showing the proposed locations of schools, police stations, fire stations, parks and recreational areas/amenities, as applicable.
  - e. Cultural Resource and Archaeology Plan consistent with state and federal regulations.
  - f. Natural Resource Plan identifying areas specified or appropriate for preservation as natural open space or natural undisturbed open space in the applicable *General Plan*, specific plans, areas that may be subject to applicable City natural resource regulations (e.g. Environmental Resource Zones (LUC Sec. [2.8.6](#)), W.A.S.H. Ordinance (Tucson Code, Chapter 29, Article VIII), and areas proposed as natural open space, or natural undisturbed open space by the applicant.
  - g. Horizontal Infrastructure Development Plan including roads, water, wastewater, and dry utilities (such as gas, electric, telephone, cable; drainage structures) providing the following:
    - i. Summary of capacity of existing horizontal infrastructure as it relates to the project.

- ii. Summary of horizontal infrastructure demand and improvements needed to support the project.
  - iii. Summary of how the horizontal infrastructure will be phased to support the project, and the concurrent partial or full release or substitution of assurances for such infrastructure.
- h. An Infrastructure Financing Plan describing the proposed methods for financing the public infrastructure that is needed to support the project.
- 3. Phasing Plan. The PCD District application shall contain a preliminary phasing plan including the following:
  - a. The anticipated approximate start date under which horizontal infrastructure construction or development is expected to begin, the number of phases, the approximate duration of time required for completion of each phase; and
  - b. Proposed development phasing if the project will not be developed as a single DA or phase.
- 4. Implementation Plan. An implementation plan and procedure document shall be prepared that establishes how the goals, criteria, requirements, development, and phasing schedules in the overall MDP will be implemented and monitored in the approval of individual development plans and subdivision plats.
- 5. Development Agreement. A development agreement between the City and the applicant pursuant to Arizona Revised Statutes Sec. 9-500.05 may be prepared and reviewed concurrently to afford resolution to issues and concerns identified through agency review including the financing and phasing of public facilities and infrastructure.

2.6.5.6 Amendment Procedures. The Director of Urban Planning and Design shall determine if the proposed amendment constitutes an administrative, minor, or major amendment according to the criteria set forth in this Section. The Director shall evaluate a proposed change for its compliance with the intent of the approved PCD and any impact that may cause a public health or safety risk. These amendment procedures shall not preempt an applicant's ability to apply for other modification procedures available within the Land Use Code. The following procedures shall be followed for an amendment to the PCD.

A. Administrative Amendment Definition and Process.

- 1. Definition. An administrative amendment is one that does not create a substantial change to the MDP, an overall DA, or the overall PCD District. The Director of Urban Planning and Design shall determine if the potential impacts to the PCD District are a substantial or insubstantial change after review of the requested changes.
- 2. Process. An administrative amendment requires no public hearing unless one is required as part of the PCD adoption. Administrative amendments include (i) the categories of changes listed in Sec. 2.6.5.6.B., (ii) other changes specifically identified as administrative amendments in the PCD District approved by the Mayor and Council, and (iii) categories of changes deemed by the Director of the Department of Urban Planning and Design to be comparable to those identified in (i) or (ii) or otherwise to have no negative potential impacts on the PCD District.

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- B. Administrative Amendment Categories. The following changes and comparable changes are presumed to be administrative unless they significantly affect the PCD District or property owners other than the master developer.
1. Changes that enhance or refine the original vision and/or purpose and intent statements expressed in the original PCD District application. The applicant shall present information regarding the size and extent of the development activity that supports the change.
  2. Changes that continue to support specific plans or applicable City policies affecting the diversity of housing type and mixed use. The applicant shall present information showing how the proposal strengthens the creation of a sense of place in the neighborhoods and communities. Administrative amendments may be based upon new market design requirements or technological advances in architecture and infrastructure engineering design and construction.
  3. A transfer of commercial square footage or number of dwellings from one mixed use parcel to another that stays within the maximum and minimum ranges established by the PCD District or the DA.
  4. A transfer involving a change in total number of dwellings or gross leaseable floor area among DAs or zoning districts where the transfer amount stays within the minimum and maximum ranges established by the PCD District.
  5. Changes in configurations of individual DA boundaries to include modifications of boundaries, division of larger parcels, or combinations of parcels, that do not result in any loss in open space or change the overall permitted land uses and density and intensity of land uses of DAs within the PCD District.
  6. Changes in parcels, preservation of environmentally sensitive lands, or open space that are necessitated by the need to accommodate final engineered infrastructure as approved by the City, within the minimum and maximum range of density and intensity of development and amount of natural open space established in the MDP, as required in Section [2.6.5.5.B.1.a.iii](#).
  7. Adjustments or modifications to the number and order of phasing as long as the related infrastructure development is precedent to or concurrent with the development the infrastructure is to serve.
  8. Change of number, location or sites designated for schools, parks, or other public, government, or quasi-governmental facilities which either enhance the opportunity to create a sense of neighborhood and community, to better centralize such sites based on actual development densities and with the approval of the governmental unit that owns or will own the facility.
  9. Modifications in the design and construction of proposed infrastructure based upon technological advances when such modifications are accepted by the controlling City and/or Pima County agencies (including but not limited to transportation, water and wastewater, and flood control). Infrastructure capacity shall be adequate to provide service for the planned densities and intensities of use and phasing.
  10. Minor modifications or adjustments to intrusions, encroachments, proposed easements, proposed right-of-ways or open spaces, so long as the modifications fall within the general overall range and target densities and intensities for the PCD District or DA and there is no reduction in open space areas as established in Section [2.6.5.5.B.1.a.iii](#).
  11. Changes in infrastructure that do not increase the cost or reduce the benefit to the public.

12. Interpretation by the Department of Urban Planning and Design Director of terms and provisions of the PCD District and MDP that may result in insubstantial changes to the PCD.
  13. Placement and/or construction of identity or character features such as community art, entry monuments, mailboxes and neighborhood signage in compliance with the PCD District regulations unless there is a safety concern.
  14. Other insubstantial changes deemed to be administrative amendments by the Department of Urban Planning and Design Director, as long as the amendments do not negatively impact the general health, safety, and welfare of the residents of the City and do not modify the overall intent of the approved PCD District, including the compliance with the *General Plan* and specific plan policies for this area.
- C. Minor Amendment Definition and Process.
1. Definition. A minor amendment is one that does not substantially change the MDP, DAs, or the overall PCD District. A minor amendment includes changes that have potential impacts on the PCD District greater in affecting the intensity of the land use mix than the categories of changes that qualify as administrative changes for the adopted PCD District.
  2. Process. A minor amendment requires a public hearing review in accordance with the Zoning Examiner Full Notice Procedure (Sec. 23A-53). Minor amendments include (i) the categories of changes listed in Sec. [2.6.5.6.D.](#), (ii) changes specifically identified as minor amendments in the PCD District approved by the Mayor and Council, and (iii) categories of changes deemed by the Director of the Department of Urban Planning and Design not to change substantially the overall PCD zoning but to have potential impacts on the PCD District greater in affecting the intensity of the land use mix than the categories of changes that qualify as administrative changes.
- D. Minor Amendment Categories. The following changes and comparable changes are presumed to be minor unless they significantly affect the PCD District or property owners other than the master developer.
1. A change of up to ten (10) percent in the number of units or gross leaseable floor area in the DA or zoning district that is an increase or decrease in the overall PCD's minimum or maximum ranges.
  2. Multiple proposed administrative amendments or any single proposed administrative amendment that is viewed by the Urban Planning and Design Department in relation to a series of past administrative amendments may be determined by the Department of Urban Planning and Design Director to be a minor amendment pursuant to this Section if they have the cumulative effect of contradicting the policies, spirit, and intent of the underlying *General Plan* documents.
  3. Other changes deemed to be minor amendments by the Department of Urban Planning and Design Director that do not qualify as administrative or major amendments within this section or within the subject PCD District.
- E. Major Amendment Definition and Process.
1. Definition. A major amendment is one that substantially changes the MDP, a DA, or the overall PCD District or substantially changes the application of the PCD to a limited area.
  2. Process. A major amendment shall be processed pursuant to the Zoning Examiner Legislative Procedure, Sec. [5.4.1.](#) and Sec. [5.4.3.](#) Major amendments include (i) those categories of changes listed in Sec. [2.6.5.6.F.](#), (ii) other changes specifically identified as major amendments in the PCD



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District approved by the Mayor and Council, and (iii) those categories of changes that do not qualify as administrative or minor amendments for the adopted PCD District and that are deemed by the Director of the Department of Urban Planning and Design to change substantially the overall PCD zoning or the application of the PCD District to a limited area.

F. Major Amendment Categories. The following changes and comparable changes are major amendments:

1. A reduction in open space other than as defined as an administrative amendment in Sec. [2.6.5.6.B](#).
2. Changes in configurations of individual DA boundaries to include modifications of boundaries, division of larger parcels, or combinations of parcels that result in a net loss in open space or a change to the minimum and maximum number of DAs proposed within the PCD District.
3. Change that would allow uses not otherwise permitted in the PCD District, zone, or DA.
4. A change of greater than ten (10) percent in the number of dwellings or gross leasable floor area in a DA or zoning district that is an increase or decrease in the overall PCD District's minimum or maximum ranges.
5. A change that alters a design element and substantially reduces the mitigation of the intensity of development adjacent to an existing residential development outside of the PCD District.
6. A change that locates a more intense land use or increases the residential density adjacent to an existing residential development outside of the PCD District or a change adjacent to existing residential development in the PCD District where the intensity of development exceeds ten (10) percent in the number of units or gross leaseable floor area in the DA or zoning district.

2.6.5.7. Annual Report. At the request of the Urban Planning and Design Director the PCD property owner shall submit an annual progress report. The report shall begin to be submitted to the Department of Urban Planning and Design once the issuance of building permits within the subject PCD commences. The report may include the following elements as requested by the Department of Urban Planning and Design: phasing and completion update report on horizontal infrastructure, public facilities, open space dedication, number of housing units and nonresidential square footage, installation of trails, parks, and any other development activity requested by the department. The report shall be submitted by February 15 of the following year.

2.6.5.8 Definitions. The definitions that follow apply only to terms used in LUC Section [2.6.5](#), PCD Districts.

Development Area (DA). A DA is a planning area within a PCD District containing single or multiple designated land use and zoning districts. Multiple classifications or mixed-use classifications may be permitted in a DA in conformance with applicable specific plans and the *General Plan*. A DA in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City may approve a particular definition of a DA for any individual PCD District.

Development Inventory Report (DIR). A DIR is a report using narrative, maps, graphics, tables and other informative means in describing, existing conditions, needs assessments and other useful background information regarding the infrastructure, resources, and other pertinent characteristics of the property within the proposed PCD District.

Functional Open Space. Functional open space is an area that is a designed element of the project and that has a recreational use for the project. Examples include public parks, golf courses, sports fields, private recreation areas, exercise trails, playgrounds, swimming pools, and community centers.



Master Developer. The Master Developer is the person or entity that has sole control of the property within the PCD District at the time of application and for the implementation of the PCD District after approval.

Master Development Plan (MDP). An MDP is a multi-faceted development plan, including a land use plan, resource and infrastructure plan, development agreement, and phasing plan that controls the overall implementation of the PCD District.

Natural Open Space. Natural open space is an area of land within the PCD District that remains essentially unimproved and not occupied by structures or man-made impervious surfaces, except public non-motorized recreation trails, that is set aside, dedicated, or reserved in perpetuity for public or private enjoyment.

Natural Undisturbed Open Space (NUOS). NUOS is an area of land that is unimproved and not occupied by structures or man-made impervious surfaces that is set aside, dedicated, or reserved in perpetuity as a conservation area for public or private enjoyment. A pedestrian or non-motorized recreational trail may be located in a natural undisturbed open space. Rights-of-way (including alleys) are prohibited in a NUOS.

Non-motorized Recreational Trail. A non-motorized recreational trail is a publicly accessible, improved or natural path designed for pedestrians, equestrians, bicycles – including electric bicycles, if local regulations permit – and manual and electric wheelchairs.

Open Space. Open space is the aggregate of “natural undisturbed open space (NUOS),” “natural open space” and “functional open space.”

Pedestrian Distance. Pedestrian distance is a measurable distance between supportive land uses (such as between residential uses and schools or residential uses and commercial uses) that encourage walking as part of a multi-modal strategy within a development.

Population Ratio. Population ratio is a formula used to derive a relationship between a population or dwelling unit count within a development and the square footage, acreage or number of facilities such as parks, fire stations, and related facilities required in the development.

Service Radius Distance. Service radius distance is a measurable distance that is measured from a public facility (such as a park, fire station, police station, school, and related facilities) outward toward land uses that fall within the facility’s service area.

Zoning District. A zoning district is an area within a DA comparable to a zoning district established by the LUC, containing one or more land uses and for which the Development Guidelines and Regulations in the MDP may be established as provided in Section [2.6.5.5.B.1.d](#).

(Ord. No. 10503, §1, 2/26/08)



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**DIVISION 4. PROCEDURES**

**SECTIONS:**

- 5.4.1            GENERAL LEGISLATIVE PROCEDURES**  
**5.4.2            PLANNING COMMISSION LEGISLATIVE PROCEDURE**  
**5.4.3            ZONING EXAMINER LEGISLATIVE PROCEDURE**
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- 5.4.1            GENERAL LEGISLATIVE PROCEDURES.** Legislative approvals are considered and decided by the Mayor and Council. All applications are subject to the general application procedures in this section. All applications are then subject to citizen review through one of two public comment, public hearing and public review procedures. Plan and text amendments, including amendments to the General Plan, specific plans, redevelopment plans and to the *LUC* are reviewed by the Planning Commission in accordance with Sec. 5.4.3. All applications to designate or change zoning regulations for specific property are reviewed by the Zoning Examiner in accordance with Sec. 5.4.3. These include changes in zoning classifications through rezoning, Planned Area Developments, Planned Community Development Districts, and approval of Mayor and Council Special Exception uses. Designation of property as subject to an overlay zone may occur when the overlay zone is first added as a text amendment in accordance with Sec. 5.4.3 or as a change of zoning in accordance with Sec. 5.4.3. (Ord. No. 10503, §2, 2/26/08)
- 5.4.1.1.        Pre-application conference. A pre-application conference is required for all applications by parties other than the City. Depending upon the level of detail of the information provided for the proposed project by the potential applicant or the need to include other City departments in the preliminary discussions, additional pre-submittal conference(s) may be requested by the Development Services Department.
- 5.4.1.2        Neighborhood Meeting. The applicant shall offer to meet at a specified time and place to discuss the proposed project with the persons and entities entitled to notice of the application. The offer shall be made at least ten (10) days prior to the date of the meeting. The meeting shall occur at least fifteen (15) and not more than (60) days prior to the submittal of the application. The offer shall describe the substance of the application and advise the adjacent property owners and neighborhood association(s) that they may submit comment to the Director prior to the public hearing or speak at the public hearing. The applicant shall also provide notice of the meeting to the office of the Council Ward in which the subject site is located. The date for such meeting shall be prior to submittal of the application. Documentation of the offer to meet and a summary of the meeting shall be submitted with the application. A neighborhood meeting shall not be required for amendments to the General Plan or for text amendments to the *Land Use Code*.
- 5.4.1.3        Applications. Applications shall be in conformance with the General Plan, applicable specific plans, the *LUC*, Chapter 23, Development Compliance Code, Chapter 23A, Development Standards, the applicable fees in Development Standards, other pertinent codes and regulations and the following.
- A.    Applications for the amendment to an area or neighborhood plan within two (2) years of the date of adoption of the plan shall not be processed unless Mayor and Council consent to the application.
  - B.    Applications for designation of protected peaks and ridges shall be accepted only from the City or one or more property owners of the subject property.
  - C.    The re-adoption of the General Plan, amendments to the *LUC*, and original city zoning shall only be initiated by the Mayor and Council. Notice of initiation shall be provided in conformance with A.R.S. §9-461.06.
  - D.    Redevelopment plans shall be initiated after a resolution by the Mayor and Council declaring that an area is subject to redevelopment in accordance with state law prior to initiating a redevelopment plan.

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- 5.4.1.4 Notice. Notice as required by this section shall state the substance of the proposed specific plan amendment, amendment to the *LUC* or change of zoning, including a general description of the matter to be considered and a general description of the area affected. The notice shall advise adjacent property owners and other affected or interested persons that comments and expressions of issues and concerns regarding the application may be submitted prior to the public hearing on the application. Comments on plan amendments and amendments to the *LUC* shall be submitted to the Planning Director who shall forward the comments to the Planning Commission. Comments on change of zoning cases shall be submitted to the DSD Director, who shall forward them to the Zoning Examiner. Notice shall also be given by first class mail to all persons who have registered their names and addresses with the City for the purpose of receiving such notice and any other persons the Planning Director or DSD Director determines are affected by the application.
- 5.4.1.5 Military Airport Notice. Any change of zoning involving land that is located within the vicinity of a military airport as defined by state law shall include provision of notice by first class mail to the Davis Monthan Air Force Base. If the application involves property within the high noise or accident potential zone as defined in A.R.S. §28-8461, that fact shall be stated in the notice.
- 5.4.1.6. Suspension or Withdrawal of an Application. An applicant may suspend an application at any time prior to the date published notice is given for the public hearing before the Planning Commission or the Zoning Examiner. An application shall not be suspended for more than one (1) year after the date of acceptance of the application. An application may be withdrawn at any time.
- 5.4.1.7 Staff review and recommendation. City staff shall review each application to determine, to the extent applicable, compliance with the General Plan, specific plans, the *LUC*, Chapter 23, the Development Compliance Code, Chapter 23A, the Development Standards and any other code or regulation that may pertain to the application. Where it is determined that the application does not comply with applicable plans, codes, regulations and standards, the application may be denied by staff. If an application for a change of zoning is denied by staff for noncompliance with the General Plan or specific plans, that decision may be appealed to the Mayor and Council in conformance with Development Compliance Review, Sec. 23A-62. Where appropriate, City staff may request comments from other public and private agencies during the review process. Staff shall prepare and submit a report and recommendation to the Planning Commission or Zoning Examiner and shall make copies available to the public prior to the public hearing. The staff report in a change of zoning case shall be available to the public not less than fifteen (15) days before the public hearing.
- 5.4.2 PLANNING COMMISSION LEGISLATIVE PROCEDURE.** Applications reviewed under this procedure require consideration by the Planning Commission at a public hearing(s) for recommendation to the Mayor and Council. This procedure is used for adoption of, re-adoption of, or amendment to, the General Plan and the specific plans, such as, but not limited to, subregional, area, neighborhood plans, the Major Streets and Routes (MS&R) Plan and redevelopment plans and amendments to the *LUC*, including amendments for the creation of overlay zones.
- 5.4.2.1 Planning Commission's Public Hearing. The Planning Commission shall hold at least one (1) public hearing. For the re-adoption of or a major amendment to the General Plan, the Planning Commission shall hold at least two (2) public hearings, each in a different location within the city and shall provide additional consultation and public notice in conformance with A.R.S. §9-461.06.
- A. *Notice of Public Hearings.* Notice of public hearings shall be given at least fifteen (15) days and not more than thirty (30) days before the public hearing. Notice of the time and date of the hearing and the general subject matter shall be published at least once in a newspaper with general circulation in the City. A display ad shall be provided for amendments to the *LUC*.
- B. *Notice for Specific Plan Amendments.* Notice for proposed amendments to specific plans, including neighborhood plans, area plans and subregional plans, where the amendment changes the plan application to a limited, specific site within the plan area, shall be mailed to property owners within three hundred (300) feet of the amendment site and to neighborhood associations within one mile of the site.

- C. *Notice for Applications of Overlay Zones to Specific Property.* Where an application provides for a text amendment to create a new overlay zone and also provides for specific application of that overlay zone to specific properties, mailed notice shall be given in accordance with Sec. 5.4.3.B.1 for the area to be designated subject to the new overlay zone.
- D. *Public Comment.* Property owners and other interested persons may submit their comments and expressions of any issues or concerns regarding an application prior to a public hearing by submitting them to the Planning Commission in care of the Planning Director. The Planning Director shall forward the comments to the Planning Commission, or submit them to the Planning Commission at the public hearing.
- E. *Planning Commission's Recommendation.* Except for redevelopment plans, the Planning Commission may close a public hearing or may decide to continue a public hearing to a future time and place provided it is closed within ninety (90) days of the date of the initial hearing. The Planning Commission shall issue a recommendation, including a statement of the reasons for the recommendation, within forty-five (45) days of the close of the hearing(s). The application, together with the Planning Commission Recommendation and the City Manager's Recommendation, is forwarded to the Mayor and Council for decision.

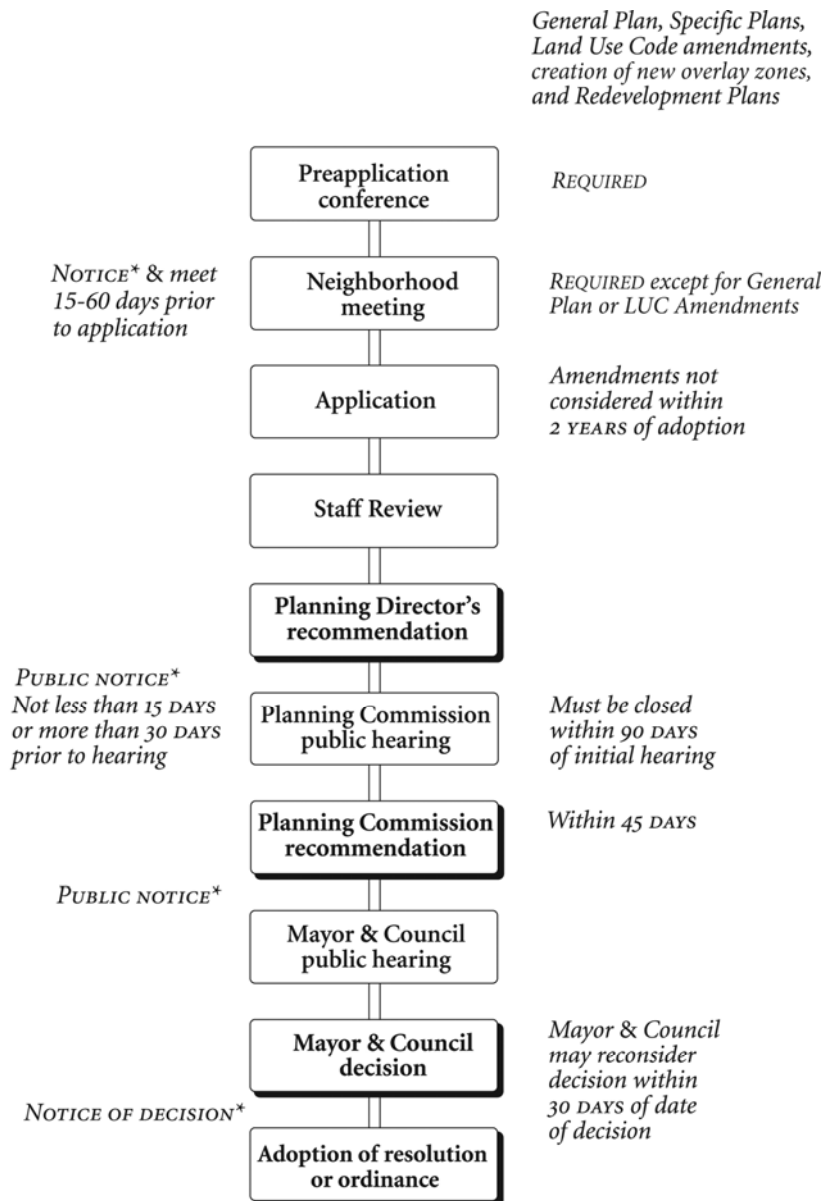
If the Planning Commission fails to issue a recommendation within the prescribed time, the application will be forwarded as a recommendation to the Mayor and Council for a decision and shall state the reasons for the positions taken by members of the Planning Commission.

- F. *Planning Commission's Recommendation for Redevelopment Plans.* For redevelopment plans, the Planning Commission reviews the plan for compliance with the General Plan and any applicable specific plans at a public meeting or a public hearing. The Planning Commission shall forward a recommendation to Mayor and Council within thirty (30) days from the date of its receipt of the plans for review. If no recommendation is forwarded within thirty (30) days, the Mayor and Council may proceed with the public hearing on the redevelopment plan.

5.4.2.2 Mayor and Council Decision. The Mayor and Council shall hold a public hearing on legislative applications prior to decision. The decision on legislative applications shall consider the application, the Planning Commission's recommendation and the City Manager's recommendation and public comments. The notice for the public hearing before the Mayor and Council shall be the same as the notice before the Planning Commission except for redevelopment plans. Adoption and re-adoption of or amendment to the General Plan shall be in conformance with A.R.S. §9-461.06 (G) and (K) and other applicable provisions. For redevelopment plans, notice shall be published once each week for two consecutive weeks, the last publication to be at least ten (10) days before the date set for the hearing.

5.4.2.3 Reconsideration. A member of the Mayor and Council may request the reconsideration of an authorization decision or decision on a proposed ordinance provided the vote to reconsider is made within thirty (30) days of the date of decision. A reconsideration will be scheduled upon a majority vote in favor of the reconsideration. If the reconsideration occurs after the time when the decision is initially made, then public notice of the reconsideration shall be given in the same manner as for the initial decision.

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**SEC 5.4.2      PLANNING COMMISSION PROCEDURE**

**5.4.3      ZONING EXAMINER LEGISLATIVE PROCEDURE.** Applications reviewed under this procedure require consideration by the Zoning Examiner at a public hearing(s) for recommendation to the Mayor and Council. This procedure is used for establishment of original city zoning for newly annexed areas and for amendments to the zoning of specific properties including changes in the zoning classifications (rezonings), Planned Area Developments, Planned Community Development Districts, designation of properties subject to established overlay zones and Mayor and Council Special Exception land uses. (Ord. No. 10503, §2, 2/26/08)

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